

ALBERT N. COLLINS, JR.,)
)
Plaintiff,)
)
v.) Case No.: _____
)
)
KANSAS CITY MISSOURI PUBLIC)
SCHOOL DISTRICT,)
)
Defendant.)

[28 U.S.C. § 1441; 28 U.S.C. § 1446; 28 U.S.C. § 1331]

BACKGROUND

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confirmed that the law firm of Seyferth, Blumenthal & Harris, LLC agreed to accept service on defendant's behalf on August 24, 2020.

4. As required by 28 U.S.C. § 1446(a), copies of all “process, pleadings and orders served upon each such defendant” are attached as Exhibit A, which includes the Petition, Notice of Case Management Conference, entries of appearance, correspondence to Plaintiff's counsel regarding service, Summonses, Plaintiff's Motion to Continue Case Management Conference, and Order to Continue Case Management Conference.

5. Defendant has not filed any answer to Plaintiff's Petition for Damages in State Court.

BASIS FOR FEDERAL COURT JURISDICTION

6. Any civil action brought in a state court over which the federal district courts of the United States would have original jurisdiction may be removed. 28 U.S.C. § 1441(a); 28 U.S.C. § 1331.

7. Removal based on federal question is governed by the well-pleaded complaint rule – jurisdiction is only established if the plaintiff's petition on its face states a federal question. *McClain v. Andersen Corp.*, 567 F.3d 956, 963 (8th Cir. 2009).

8. In his Petition, Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 1983 (Civil Rights Act of 1866), as amended (“§ 1983”) 42 U.S.C. 2000e *et seq.* (“Title VII”); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621 *et seq.* (“ADEA”); RSMo 287.780; and RSMo 105.055 as a result of Defendant's alleged conduct. (See Exhibit B, Petition at ¶¶ 1, 3, 6, 81, 87, 91, 94 and 101).

9. Because the Petition on its face states federal questions, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 as the case involves claims under the laws of

the United States – i.e., Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 1983 (Civil Rights Act of 1866), as amended (“§ 1983”) 42 U.S.C. 2000e *et seq.* (“Title VII”); the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621 *et seq.* (“ADEA”).

10. In addition, this Court has supplemental jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1367(a). Thus, the action may be removed to this Court pursuant to 28 U.S.C. §§ 1331 and 1441.

PROPRIETY OF REMOVAL

11. This Notice of Removal is timely because it was filed within 30 days after service of the Petition in the State Court Action by the Defendant. 28 U.S.C. § 1446(b)(1).

12. The State Court is located within this District and Division.

13. Promptly after filing this Notice of Removal, Defendant will file a copy of the Notice of Removal with the State Court and will serve a copy on all counsel of record. *See* 28 U.S.C. § 1446(a) and (d).

14. No process, pleadings, or other documents were served upon Defendant in the State Court Action, other than Exhibit A attached hereto.

15. A copy of the Civil Cover Sheet filed with the United States District Court for the Western District of Missouri, Western Division, is attached hereto.

16. Accordingly, removal of the State Court Action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 is proper because this Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331.

WHEREFORE, Defendant removes the above-captioned civil action from the Circuit Court of Jackson County, Missouri, at Kansas City to the United States District Court for the Western District of Missouri, Western Division.

SEYFERTH BLUMENTHAL & HARRIS LLC

/s/ Charlie J. Harris, Jr.

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2020, I electronically filed the foregoing with the Missouri eFiling System which sent notification of such filing to the following:

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